

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing **See form PCT/ISA/210**
(day/month/year)

Applicant's or agent's file reference

P804144/WO/1

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/EP2004/014081

International filing date (day/month/year)

10.12.2004

Priority date (day/month/year)

23.12.2003

International Patent Classification (IPC) or both national classification and IPC

B60Q3/02

Applicant

DAIMLERCHRYSLER AG

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☒ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

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Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

1. Statement

| | | | |
|-------------------------------|--------|-----|-----|
| Novelty (N) | Claims | 2-8 | YES |
| | Claims | 1 | NO |
| Inventive step (IS) | Claims | 4-8 | YES |
| | Claims | 2-3 | NO |
| Industrial applicability (IA) | Claims | 1-8 | YES |
| | Claims | | NO |

2. Citations and explanations:

1. Reference is made to the following documents:

- D1: WO 03/024649 A (SAINT-GOBAIN GLASS FRANCE;
BETEILLE, FABIEN; BOUCHERET, JEAN-MARC) 27 March
2003 (2003-03-27)
- D2: DE 101 26 868 C1 (SAINT-GOBAIN SEKURIT
DEUTSCHLAND GMBH & CO. KG) 21 November 2002
(2002-11-21)
- D3: FR-A-2 738 783 (AUTOMOBILES PEUGEOT) 21 March
1997 (1997-03-21)
- D4: GB-A-2 126 328 (FLACHGLAS AKTIENGESELLSCHAFT) 21
March 1984 (1984-03-21)
- D5: EP-A-1 154 199 (GAI, GIORGIO, ING) 14 November
2001 (2001-11-14)
- D6: EP-A-1 437 215 (GLAVERBEL) 14 July 2004 (2004-
07-14)
- D7: WO 2004/009349 A (PILKINGTON PLC; DAY, STEPHEN,
ROLAND) 29 January 2004 (2004-01-29)
- D8: DE 102 59 828 A1 (WEBASTO SYSTEMKOMPONENTEN GMBH
& CO. KG) 29 July 2004 (2004-07-29)
- D9: WO 2005/018283 A (SAINT-GOBAIN GLASS FRANCE;
OFFERMANN, VOLKMAR; LINNHOFER, DIETER; MAEU) 24
February 2005 (2005-02-24)

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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
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2.a. The Application does not meet the requirements of PCT Article 6 because claim 1 is unclear. Claim 1 not only defines the interior light but also its relationship with the compound glass of the glass surface ("the interior light is integrated in the compound glass of the glass surface"), which is not part of the claimed interior light. Even if the term "integrated" were changed into "can be integrated", claim 1 would not be novel (for example, light-emitting diodes can be integrated in a glass surface). One possibility would be to claim the combination of a glass roof and an interior light.

2.b. For the same reasons, claims 6 and 7 are also not clear (claim 6 concerns the "roof contour" and claim 7 concerns the "glass roof").

2.c. It is also not clear from the preamble ("transparent surface") and from the characterising part of claim 1 ("in the compound glass of the glass surface") whether the transparent element of the means of transportation is formed from glass or compound glass (also see claim 7).

3. Irrespective of the abovementioned lack of clarity, the subject matter of claim 1 is furthermore not novel within the meaning of PCT Article 33(2), and so the requirements of PCT Article 33(1) are not met. The reasons are as follows:

3.a. D1 discloses an interior light for a means of

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transportation with a transparent surface for brightening the interior of the means for transportation, with the interior light being integrated in the compound glass of the glass surface (see the description, page 11, line 21 and page 15, lines 8-13), with regard to claim 1.

3.b. The features of claim 1 are likewise known from D2.

4. Claims 2, 3 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for inventive step: see, in D3, the description, page 5, lines 22-23 and the decoupling element (16); or, in D4, the mounting plate ("plate unit") and the decoupling element (3). In D3 and D4, the light is enclosed at the inner edge region of the glass pane.

5. The combination of features contained in dependent claims 4-8 is neither known from the available prior art nor is it rendered obvious by it. The reasons are as follows:

5.a. In D1 to D4, the interior light is part of the compound glass itself. Since the decoupling element is composed of a layer of the compound glass, it would not be obvious to a person skilled in the art to insert the decoupling element (and the mounting plate) into a housing and to integrate the light in the compound glass.

5.b. Claims 5 to 8 relate to the housing which is only

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claimed in claim 4. Therefore, claims 5 to 8 should be worded such that they are dependent on claim 4 and are therefore also novel and inventive.

6. Claims 3 and 4 relate to the decoupling element which is only claimed in claim 2. Therefore, claims 3 and 4 should be worded such that they are dependent on claim 2.

7. Contrary to PCT Rule 5.1(a)(ii), the description does not cite D1-D4 or indicate the relevant prior art disclosed therein.

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Box No. VI

Certain documents cited

1. Certain published documents (Rule 43bis.1 and 70.10)

Application No.
Patent No.

Publication date
(day/month/year)

Filing date
(day/month/year)

Priority date (valid claim)
(day/month/year)

2. Non-written disclosures (Rule 43bis.1 and 70.9)

Kind of non-written disclosure

Date of non-written disclosure
(day/month/year)

Date of written disclosure
referring to non-written disclosure
(day/month/year)

See Form 210